

COMMONWEALTH EMERGENCY RELIEF FOR LOCALITIES

Contact: VDEM (804) 897-6500

PURPOSE

To establish procedures whereby the Governor can provide direct grants to cities and counties that cannot by other means meet the costs of disaster-related response activities or damages to public property.

ORGANIZATION

The Department of Emergency Management (VDEM) shall administer this program. Allotments shall be considered grants made at the discretion of the Governor. Funding shall come from the Governor's authority to expend a Sum Sufficient pursuant to the Virginia Emergency Services and Disaster Law of 1973, as Amended.

CONCEPT OF OPERATIONS

- A. Localized major emergencies or disasters, such as tornadoes, are not likely to result in sufficient total damages to warrant a Presidential disaster declaration. They can, however, be very devastating for any individual locality affected. The primary intent of this program is to provide state assistance to cities and counties for uninsured disaster-related costs, such as debris clearance, following such a small-scale or localized disaster when federal disaster assistance is not forthcoming.
- B. Eligibility Criteria
 1. Cities, towns and counties are eligible. Eligible costs incurred by towns, public service authorities, volunteer fire departments, and volunteer rescue squads may be included in a county or city's total costs. State agencies are not eligible.
 2. Only cities and counties that have sustained total eligible costs of \$4 or more per capita are eligible. Towns are eligible based on the following cost criteria:
 - Population 3,500 or less: eligible for incurred eligible damages of \$15,000 or greater or
 - Population 3,500 or more but less than 5,000: eligible for incurred eligible damages of \$20,000 or greater or
 - Population 5,000 or greater with total eligible costs of \$4 or more per capita may receive assistance

No site or facility may be included with less than \$1,000 in eligible costs. However, the total cost of debris clearance may be considered as a single site.

3. Cities and counties must (1) maintain property insurance on a full replacement cost, agreed amount basis with a blanket building and contents limit or {2} be self insured.
4. Each city/county applicant must certify that they are not capable of covering disaster-related

Commonwealth Emergency Relief for Localities

costs by other means.

5. A declaration of a local emergency in response to the event is required.
- C. It is reasonable to expect that cities and counties carry insurance for damages to public buildings and property, to include coverage for contents. It is not the intent of this program to replace or subsidize such insurance protection.
- D. Cities and counties with buildings or facilities at risk from flooding are expected to participate in the National Flood Insurance Program and to obtain special flood insurance coverage. Consequently, assistance will be provided for flood-related damages only above the amount that was covered, or should have been covered, by flood insurance. In the absence of flood insurance, VDEM will, if necessary, arrange for an NFIP-trained insurance adjuster to survey flood-damaged facilities in order to determine an estimated total amount that could have been obtained under insurance settlements. This amount will then be deducted from the grant amount to be provided by the Commonwealth to the locality. Again, it is not the intent of this program to replace or subsidize insurance protection.
- E. Unless otherwise stated in this appendix, eligible costs are as defined in the Public Assistance component of the Stafford Act (PL 93-288, as amended). Reference the FEMA “Public Assistance Guide”.
 1. Examples of costs which may be eligible:
 - a. Overtime for city/county employees.
 - b. Debris removal from public property.
 - c. Protective measures to reduce or eliminate an immediate hazard. Examples: sandbagging, temporary backup power for critical facilities, security for the disaster area, removal of health and safety hazards, etc.
 2. Examples of costs that shall not be eligible:
 - a. Regular time for city/county employees.
 - b. Snow removal.
 - c. The restoration of sand lost to beach erosion.
 - d. Insurance deductibles.
 - e. The amount covered, or which should have been covered, by flood insurance.
 - f. Federal disaster assistance matching funds.
 - g. Business interruption costs.
- F. **Special Conditions Regarding Drought:** In addition to meeting the application requirements described herein and prior to receiving state funding, each eligible drought-impacted public water system shall be certified by the Department of Environmental Quality (DEQ) and/or the Department

Commonwealth Emergency Relief for Localities

of Health (VDH) that the public water system is no longer able to serve the minimal needs of its customers for potable water. Once certified, public water systems will be eligible for state funding to support a program of rationed distribution of potable water for a period of 60 days. Eligibility is contingent upon the locality or localities served by the public water system having instituted appropriate water conservation measures. The determination of the appropriateness of these measures shall be at the sole discretion of the Governor but are intended to include, at a minimum, enforcing the water use restrictions in Executive Order 33 (2002). This rationed distribution program shall provide for five gallons of potable water per day for each household resident and an appropriate allocation for medical and congregate-care facilities and schools (to be determined by the VDH). Determination of eligible costs will be solely at the discretion of the Governor but are intended to cover purchase and transportation of potable water and purchase or rental of holding tanks at distribution locations, or other appropriate measures as approved by the Governor. The reimbursement for eligible costs will be at 33 percent of eligible costs. Costs for administering and maintaining the distribution system will not be eligible.

- G. Cities or counties that meet the above eligibility criteria may apply for financial assistance from the Commonwealth. Assistance may be requested for needed work or for repair work already accomplished. The first step is to complete the form at Tab A and submit it to VDEM. It must be submitted within 30 days of the date of the disaster.
- H. Upon receipt of the application, VDEM may arrange for an on-site inspection of all damage sites. In order to expedite the survey process, applicants are requested to take the following steps before the arrival of the inspection team. (These are the same steps that would be required under a Presidential declaration.)
 - 1. Prepare a list of all facilities damaged as a direct result of the disaster, including those where repair work may already have been performed. Segregate work/damages into appropriate categories (see Tab A). Include both work that has been completed and that which has not.
 - 2. Mark the location of each damage site on a suitable map.
 - 3. Have photographs, site sketches, or drawings of each damage site available for inspectors (especially where work has already been performed).
 - 4. Compile a detailed breakdown of labor (including fringe benefits), equipment, and material costs for each location where work has been done. Include contract costs for emergency or permanent restorative work in progress or completed. Separate all costs by work site.
 - 5. Provide emergency personnel overtime records for disaster-related work. Provide records reflecting mileage for disaster-related use of equipment and/or emergency vehicles.
 - 6. Provide inspectors with policy information on insurance coverage and any proceeds received or anticipated.
 - 7. List equipment, materials, or inventory lost as a result of the disaster. Provide copies of estimates, bids, purchase orders, invoices, inventory records, or other substantiating evidence to verify loss values or replacement cost.
 - 8. Ensure that a knowledgeable person (engineer, superintendent, public works director, etc.) accompanies the survey team. This person must have knowledge of work already done as well

Commonwealth Emergency Relief for Localities

as all damaged facilities needing work. He must also be authorized to agree/disagree with damage survey findings.

9. If damaged facilities are to be restored in accordance with adopted codes or standards different from the original construction, provide inspectors with copies of appropriate authorizing documentation.
- I. VDEM reservists and inspectors from other state agencies will constitute the state damage survey report teams. They will follow the same process and procedures as with a federal disaster inspection, minus federal officials. VDEM will provide the necessary training and a pre-deployment briefing for each inspection team. A separate Project Worksheet will be completed for each large damage site or system (roads, water lines, sewerage lines, storm drainage, etc.).
- J. A summary report, to include individual Project Worksheets as completed (available online at <http://www.vaemergency.com/recover/pubassist/index.cfm>), will be prepared by VDEM for each city or county applicant and submitted to the Governor for action.
- K. If the Governor approves the city or county's request for assistance, the funds are obligated. However, these funds are drawn down only as projects are completed and the actual costs of each are documented and requested by the city or county. Unless payments have already been made to a contractor, the transfer of funds from state-to-locality-to-contractor should be accomplished within 30 days.
- L. The amount of financial assistance for which a city or county may be eligible will range from 50 to 75 percent of total eligible costs. The percentage will vary based on the Commission on Local Government's fiscal stress index. The cumulative effect of recent disasters during the preceding 12 months may also be considered.
- M. In addition to a local emergency declaration, a declaration of a "State of Emergency" from the Governor for the affected jurisdiction(s) is normally required. However, if a jurisdiction meets the criteria set forth in the guidelines and procedures, but is not included in such a gubernatorial declaration, the Governor is authorized to have the discretion to make an allotment to that jurisdiction in the same manner as if the jurisdiction had been so declared.
- N. Cities and counties shall maintain complete documentation of all costs in a manner approved by the Auditor of Public Accounts and shall provide copies of the documentation to VDEM upon request.
- O. Upon the completion of each disaster-related project, an accounting must be made of all funds received and payments. The grantee city or county shall certify that the reported costs were incurred in the performance of eligible work and that the project was completed in accordance with state program requirements. In order to satisfy itself for this certification, the grantee may perform such inspections and audits, as it deems necessary. VDEM will review the reported costs to determine if the costs are eligible. VDEM may conduct inspections or audits as necessary to verify eligible costs. A supplemental Project Worksheet will be prepared for each project to adjust the approved amount upward or downward as the case may be. If additional funds are approved by VDEM, the grantee may then make an additional drawdown of any funds remaining from the original obligation.
- P. Within 60 days following the completion of all disaster-related projects, a final summary report must be submitted by each city or county grantee. It will include the final amount paid for each project. If it is determined that some ineligible costs had been drawn down by the grantee, then any excess

Commonwealth Emergency Relief for Localities

drawdown of state funds shall be returned to the state.

- Q. The Governor shall report to the Chairmen of the Senate Finance Committee, the House Appropriations Committee, and the House Finance Committee within 30 days of authorizing the sum sufficient pursuant to this section. VDEM shall report annually to the General Assembly on any cities or counties that have received financial assistance under this program and the amount each received. The required 60 day summary report from each grantee city or county will be available upon request.

REFERENCES

- A. Virginia Emergency Services and Disaster Law of 1973, as Amended. (Code of Virginia, Section 44-146.13, et seq.)
- B. Public Assistance Guide, Federal Emergency Management Agency, FEMA 322.
- C. The Feasibility of Establishing a Virginia Emergency and Disaster Relief Fund, House Document No. 49 (“The Crouch Study”), Commonwealth of Virginia, Department of Planning and Budget, December 1996.

Commonwealth Emergency Relief for Localities

TAB A: Damage Assessment Checklist

Commonwealth of Virginia NOTICE OF INTEREST IN APPLYING FOR COMMONWEALTH EMERGENCY RELIEF	
Name of Incident:	Incident Date or Period:
Description of Incident:	
Estimate of Total Eligible Costs:	
CHECKLIST OF DAMAGES BY CATEGORY	
A. DEBRIS CLEARANCE <input type="checkbox"/> On Public Roads & Streets including ROW <input type="checkbox"/> Other Public Property <input type="checkbox"/> Private Property (<i>When done by local govt. forces</i>)	B. PROTECTIVE MEASURES <input type="checkbox"/> Life and Safety <input type="checkbox"/> Property <input type="checkbox"/> Health <input type="checkbox"/> Stream/Drainage Channels <input type="checkbox"/> Structure Demolition
C. ROAD SYSTEM <input type="checkbox"/> Roads <input type="checkbox"/> Streets <input type="checkbox"/> Traffic Control <input type="checkbox"/> Bridges <input type="checkbox"/> Culverts <input type="checkbox"/> Levees	D. WATER CONTROL FACILITIES <input type="checkbox"/> Dikes <input type="checkbox"/> Dams <input type="checkbox"/> Drainage <input type="checkbox"/> Irrigation Works
E. BUILDINGS AND EQUIPMENT <input type="checkbox"/> Buildings and Equipment <input type="checkbox"/> Supplies or Inventory <input type="checkbox"/> Vehicles or Other Equipment <input type="checkbox"/> Transportation System	F. PUBLIC UTILITY SYSTEMS <input type="checkbox"/> Water <input type="checkbox"/> Sanitary Sewage <input type="checkbox"/> Storm Drainage <input type="checkbox"/> Light/Power
G. OTHER (<i>Not in the above categories</i>) <input type="checkbox"/> Park Facilities <input type="checkbox"/> Recreational Facilities	
Name of City or County Applying for Assistance:	
Representative 1:	Representative 2:
Title:	Title:
Business Address:	Business Address:
Business Telephone:	Business Telephone:
Signature: _____	Signature: _____
Send to: Virginia Dept. of Emergency Management, 10501 Trade Court, Richmond, VA 23236 FAX: 804-897-6506	